

**REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL**  
**July 26, 2004**

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, **July 26, 2004**, at 6:20 p.m., in the Assembly Room of the Berkeley County Office Building, 223 North Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor, Chairman; Mrs. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Milton Farley, Council Member District No. 1, and Mr. Steve C. Davis, Council Member District No. 8, were excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

*During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.*

Chairman Rozier called the meeting to order and asked for approval of minutes from Public Hearings held June 21, 2004, for a CDBG and Bills Numbered 04-25 thru 04-42, and minutes from the Regular Council Meeting held June 21, 2004.

**APPROVAL OF MINUTES**

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve the minutes as presented. The motion was passed by unanimous voice vote of Council.

**PUBLIC DISCUSSION**

Ms. Debbie Dirks, residing at 2314 South Live Oak Drive, Moncks Corner, stated she was present to ask Council to deny a request for rezoning by Lisa Leighton (listed under "REPORTS FROM STANDING COMMITTEES", Item No. 2.2, on this night's agenda). When Ms. Leighton first put in a request to build a garage, her request was for a detached garage. Since then, Ms. Leighton has erected a 60-foot by 60-foot metal building with three bays. One bay is a drive-thru. Ms. Leighton works on vehicles at this property location and has recently erected a paint booth. There is a yard sale type business adjacent to Ms. Leighton's property that was grandfathered. The dirt pit on 17A is far enough down the road to where residents do not see the pit's truck activity. The rest of the property in this area is residential. Ms. Dirks concluded with, "A detached

garage is a garage by a house”, and Ms. Leighton “does not have a house there, but she does run a business there”.

Mr. Allen Weiss, residing at 1668 Shortcut Road, and business owner of Black’s Fish Camp, addressed Agenda Item 2.5, under “REPORTS FROM STANDING COMMITTEES”. The purpose of the request by Norman Weiss to rezone 4.36 acres from F-1 to RNC was for a transient campground. Currently, there is one campground at Black’s containing 58 sites, which remains occupied most of the time. Mr. Weiss attempted to expand campground facilities through acquisition of leased property from Santee Cooper, but there was no feasible property. The property being requested for rezoning was not purchased for the sole intent of erecting a campground, but it would be useful to expand, as tourism is a growing business. There is a tire business located directly across the road from the property being requested for rezoning. There are residents in the area, but Mr. Weiss is not aware of any opposition to this rezoning request. A lot of campers are construction workers from Santee Cooper, and Mr. Weiss concluded that expansion of the campground would enhance the County’s tax base.

Chairman Rozier recommended that Council approve, for First Reading, Mr. Norman Weiss’ request for rezoning. Thereafter, Chairman Rozier would gain more clarification as to why the request was recommended for denial before Council met again.

Council Member Pinckney stated that he concurred with Chairman Rozier’s recommendation.

Council Member Pinckney continued by recommending Agenda Item 2.4, under “REPORTS FROM STANDING COMMITTEES”, also be approved for First Reading, in addition to seeking clarification as to its recommended denial thereafter.

Council Member Mims, speaking in Council Member Steve Davis’ absence, stated that Council Member Davis made a request for Bill No. 04-55 to be sent back to Committee, because he had more information to present to Council Members.

Council Member Spooner stated that Bill No. 04-55 was on this night’s agenda for First Reading. After First Reading, it would automatically be sent back to Committee.

## **EXECUTIVE SESSION**

Chairman Rozier stated an Executive Session was necessary to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the

attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Council Member Crosby and seconded by Council Member Fish to enter into Executive Session for the reasons stated. The motion was passed by unanimous voice vote of Council.

Council entered into Executive Session at 6:31 p.m., and returned to Regular Session at 6:55 p.m.

Mr. D. Mark Stokes, Berkeley County Attorney, reported that Council entered into Executive Session for the reasons stated in the motion. No formal action was taken.

### **THIRD READING**

**“BILL NO. 04-44, AN ORDINANCE AUTHORIZING THE SALE OF A PARTICULAR PIECE OF LAND OWNED BY BERKELEY COUNTY, MORE PARTICULARLY DESCRIBED AS TMS #142-07-06-026, TO THE BERKELEY COUNTY RESCUE SQUAD AND AUTHORIZING THE BERKELEY COUNTY SUPERVISOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TRANSFER OF SAID LAND; AND PROVIDING FOR THE TERMINATION OF THE LEASE AGREEMENT BETWEEN THE COUNTY AND THE RESCUE SQUAD.”**

It was moved by Council Member Spooner and seconded by Council Member Crosby to approve, for Third Reading, Bill No. 04-44. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-07-46 is attached to these minutes.)

**“BILL NO. 04-45, AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CODE OF BERKELEY COUNTY, SOUTH CAROLINA, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED HEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE; AND OTHER MATTERS RELATED THERETO.”**

It was moved by Council Member Crosby and seconded by Council Member Fish to approve, for Third Reading, Bill No. 04-45. The motion was passed by unanimous voice vote of Council. (A copy of Ordinance No. 04-07-47 is attached to these minutes.)

*Berkeley County Council Rules require all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.*

It was moved by Council Member Spooner and seconded by Council Member Pinckney to approve all **Bills for Second Reading**. The motion was passed by unanimous voice vote of Council.

### **SECOND READING**

**“BILL NO. 04-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #032-00-03-007.”**  
*(Anna Bell Frazier)*

**“BILL NO. 04-47, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #244-05-01-022.”**  
*(Marvetta Perry-Grant for Elaine Myers)*

**“BILL NO. 04-48, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS# 248-00-02-004.”**  
*(Rutha L. Kinlock)*

**“BILL NO. 04-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #271-00-02-004.”**  
*(Peter Washington)*

**“BILL NO. 04-50, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #144-00-02-025.”**  
*(Ebony Lloyd Simmons)*

**“BILL NO. 04-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #222-00-00-119.”**  
*(Tyson Otts)*

**“BILL NO. 04-52, AN ORDINANCE AUTHORIZING A ONE-YEAR POSTPONEMENT OF THE IMPLEMENTATION OF REVISED VALUES RESULTING FROM THE EQUALIZATION PROGRAM (REASSESSMENT), AS PROVIDED IN SECTION 12-43-217, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.”**

**“BILL No. 04-53, AN ORDINANCE AMENDING ORDINANCE NO. 87-6-9, WHICH PROVIDED FOR THE CREATION OF THE BERKELEY COUNTY**

**ACCOMMODATIONS TAX ADVISORY COMMITTEE, TO MODIFY THE COMPOSITION OF AND APPOINTMENT TO THE COMMITTEE AND TO REPEAL ORDINANCE NO. 01-9-44 IN ITS ENTIRETY.”**

**FIRST READING**

Chairman Rozier stated there were eight bills for First Reading. Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for discussion.

**“BILL NO. 04-54, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #211-00-02-009.”**  
*(George Herrin)*

**“BILL NO. 04-55, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #202-00-00-016.”**  
*(George T. Newell)*

**“BILL NO. 04-56, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #263-00-01-059.”**  
*(Lowcountry Land Holdings, LLC.)*

**“BILL NO. 04-57, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #250-00-00-015.”**  
*(John R. Nick)*

**“BILL NO. 04-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO THE APPROVED USES OF TMS #046-00-01-015.”**  
*(Doris Marie Holmes)*

**“BILL NO. 04-61, AN ORDINANCE AUTHORIZING BERKELEY COUNTY, SOUTH CAROLINA, TO EXECUTE AND DELIVER AN **EQUIPMENT LEASE PURCHASE AGREEMENT** IN THE AMOUNT OF NOT EXCEEDING \$2,000,000.00 BETWEEN THE COUNTY AND THE LESSOR THEREOF TO DEFRAY THE COST OF ACQUIRING CERTAIN EQUIPMENT FOR USE BY THE **BERKELEY COUNTY WATER AND SANITATION AUTHORITY**; AND OTHER MATTERS RELATING THERETO.”**

**“BILL NO. 04-62, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN **INDUCEMENT AGREEMENT** BY AND BETWEEN**

BERKELEY COUNTY, SOUTH CAROLINA AND **MAYBANK INDUSTRIES, LLC**, WHEREBY, UNDER CERTAIN CONDITIONS, BERKELEY COUNTY WILL FACILITATE CERTAIN ECONOMIC DEVELOPMENT INCENTIVES FOR A PROJECT FINANCED WITH INDUSTRIAL DEVELOPMENT REVENUE BONDS PURSUANT TO THE PROVISIONS OF TITLE 4, CHAPTER 29 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AND OTHER MATTERS RELATED THERETO.”

“**BILL NO. 04-63**, AN ORDINANCE TO AMEND THE **SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET** FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005, AND TO PROVIDE FOR THE LEVY OF AD VALOREM PROPERTY TAXES IN THE AMOUNT OF FORTY-EIGHT (48.0) MILLS (ORDINANCE NO. 04-06-43).”

### **RESOLUTIONS**

“**RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS** IN THE 2004-2005 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Council Member Crosby and seconded by Council Member Fish to approve the Resolution providing for the **Transfer of Funds** in the 2004-2005 County budget. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-22 is attached to these minutes.)

“**RESOLUTION RECOMMENDING ADOPTION OF THE INDUCEMENT AND MILLAGE RATE AGREEMENT** BETWEEN BERKELEY COUNTY, SOUTH CAROLINA, AND **NUCOR CORPORATION**.”

It was moved by Council Member Fish and seconded by Council Member Spooner to approve the Resolution adopting an Inducement and Millage Rate Agreement with **Nucor**. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-23 is attached to these minutes.)

“**RESOLUTION AUTHORIZING FINANCING TERMS** FOR VARIOUS EQUIPMENT LEASE PURCHASES NOT TO EXCEED FOUR (4) YEARS.”

It was moved by Council Member Fish and seconded by Council Member Spooner to approve a Resolution authorizing **financing terms** for lease purchases. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-24 is attached to these minutes.)

“**RESOLUTION AUTHORIZING THE BERKELEY COUNTY SUPERVISOR** TO NEGOTIATE AND EXECUTE A PURCHASE AGREEMENT FOR THE

ACQUISITION OF AN **AIRPLANE HANGAR** CURRENTLY OWNED BY GARY P. WHITMAN AND/OR WHIT-MART, INC., LOCATED AT THE BERKELEY COUNTY AIRPORT; AND TERMINATING A LAND LEASE AGREEMENT FOR A PORTION OF TMS #142-00-00-006.”

It was moved by Council Member Spooner and seconded by Council Member Pinckney to approve a Resolution authorizing the acquisition of an **airplane hangar** owned by Gary P. Whitman and/or Whit-Mart, Inc. The motion was passed by unanimous voice vote of Council. (A copy of Resolution No. 04-25 is attached to these minutes.)

“**RESOLUTION AUTHORIZING THE BERKELEY COUNTY SUPERVISOR TO EXECUTE A LEASE AGREEMENT ON BEHALF OF THE PIMLICO SPECIAL TAX DISTRICT WITH THE PIMLICO CIVIC CLUB FOR PREMISES LOCATED AT 1603 PIMLICO BOULEVARD, MONCKS CORNER, BERKELEY COUNTY, SOUTH CAROLINA, MORE PARTICULARLY IDENTIFIED AS TMS #212-03-01-017.**”

It was moved by Council Member Crosby and seconded by Council Member Spooner to approve a Resolution authorizing execution of a **lease agreement** with the **Pimlico Civic Club**.

In discussion, Council Member Pinckney stated that he received a letter dated July 28<sup>th</sup>, wherein, it stated, “After reviewing the applicable status of ordinances and by-laws, I have concluded that a Special Tax District may not directly allocate a lump sum of money to a civic organization.”

Council Member Spooner responded that this Resolution was for a lease agreement. A lump sum of money was not just being given to the Pimlico Civic Club.

The motion was passed by majority voice vote of Council. Council Member Mims voted, “Nay.” (A copy of Resolution No. 04-26 is attached to these minutes.)

## **REPORTS FROM STANDING COMMITTEES**

### **COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman**

Chairman Fish reported the Committee on Finance met earlier this night, and all matters before the Committee were addressed on this night’s agenda. (That concluded Chairman Fish’s report.)

### **COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman**

Acting Chairman Spooner reported the Committee on Land Use met on July 12<sup>th</sup>, and many of the matters had been addressed. With regard to the following recommendations to deny:

**1. Request by Frank & John Oakley, 2695 Highway 41, Wando, TMS #263-00-03-042, (1 lot), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 2.**

Acting Chairman Spooner reported that the applicant withdrew his request on July 18, 2004. No further action is required at this time.

**2. Request by Lisa Leighton, 326 Race Lane, Moncks Corner, TMS #196-02-00-016, (1.35 acre portion, 14.93 acres total), from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Residential. Council District No. 6.**

On recommendation of the Committee, Acting Chairman Spooner moved to deny the request by Lisa Leighton. (No Second Required)

The motion was passed by unanimous voice vote of Council.

**3. Request by Juanita Barrs, 118 Willis Place, Ridgeville, TMS #116-00-00-055, (1 acre), from F-1, Agricultural District, to GC, General Commercial District. Council District No. 7.**

Acting Chairman Spooner reported that the applicant withdrew her request on July 21, 2004. No further action is required at this time.

**4. Request by David Johnson for Lawrence Smith, 2130 State Road, Summerville, TMS #178-00-01-038, (1.43 acre portion, 7.10 acres total), from F-1, Agricultural District, to RNC, Rural & Neighborhood Commercial District. Council District No. 7**

Acting Chairman Spooner stated that, although, Council Member Pinckney was absent from the Committee on Land Use Meeting on July 12<sup>th</sup>, she was required to report the action of the Committee.

On recommendation of the Committee, Acting Chairman Spooner moved to deny the request by David Johnson for Lawrence Smith. (No Second Required)

This motion failed to pass by unanimous voice vote of Council, and thus qualified as a First Reading. This item will be sent to the proper Committee for discussion prior to Second Reading.



**5. Request by Norman Weiss, Ranger Drive, Cross, TMS #042-00-03-065, (4.36 acre portion, 25.0 acres total), from F-1 Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 7.**

On recommendation of the Committee, Acting Chairman Spooner moved to deny the request by Norman Weiss. (No Second Required)

The motion failed to pass by unanimous voice vote of Council, and thus qualified as a First Reading. The item will be sent to the proper Committee for discussion prior to Second Reading. (That concluded Acting Chairman Spooner's report.)

**COMMITTEE ON PUBLIC WORKS AND PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman**

Chairman Pinckney reported the Committee on Public Works and Purchasing met on July 12<sup>th</sup>.

**a. Municipal Lease Purchasing Financing**

On recommendation of the Committee, Chairman Pinckney moved to approve the low bid of Bank of America Leasing & Capital, LLC, at an annual percentage rate of 2.87 for the municipal lease purchases in the budget year 2004/2005. (No Second Required)

The motion was passed by unanimous voice vote of Council.

**b. Deny all bids in regard to Roll Off Trucks**

On recommendation of the Committee, Chairman Pinckney moved to approve the rejection of all bids submitted for the roll off trucks and to approve the re-bid of same for the Berkeley County Water & Sanitation Authority. (No Second Required)

The motion was passed by unanimous voice vote of Council.

**c. Daily Cover Soil Material**

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the daily cover soil material to Austin Construction, in the amount of \$3.85 per ton. (No Second Required)

The motion was passed by unanimous voice vote of Council.

**d. Odor Control Equipment for Pump Stations #001 and #002**

On recommendation of the Committee, Chairman Pinckney moved to award the contract for the odor control equipment for Pump Stations #001 and #002 to Mechanical Equipment, in the amount of \$221,000.

The motion was passed by unanimous voice vote of Council. (That concluded Chairman Pinckney's report.)

**COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Mrs. Judy C. Mims, Chairman – no report.**

**COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis, Chairman**

Acting Chairman Pinckney reported that the Committee on Water and Sanitation met on July 12<sup>th</sup>. All matters before the Committee were addressed on this night's agenda. (That concluded Acting Chairman Pinckney's report.)

**COMMITTEE ON PLANNING AND DEVELOPMENT, Mr. Charles E. Davis, Chairman**

Chairman Charles Davis reported that the Committee on Planning and Development met on July 12<sup>th</sup>. Mr. Phillip Ford, of the Charleston Homebuilders, provided the Committee with a presentation in regard to the homebuilding industry. No action was required. (That concluded Chairman Charles Davis' report.)

**COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman**

Chairman Spooner reported that the Committee on Community Services met on July 12<sup>th</sup>. All matters before the Committee were addressed on this night's agenda. (That concluded Chairman Spooner's report.)

**COMMITTEE ON HUMAN SERVICES, Mr. William E. Crosby, Chairman – no report.**

**NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

Council Member Crosby nominated Allen Carter to the Charleston Naval Redevelopment Authority.

The nomination to the Charleston Naval Redevelopment Authority passed by unanimous voice vote of Council.

**CORRESPONDENCE – None**

**UNFINISHED BUSINESS**

Chairman Rozier stated he approved an emergency purchase for a commercial dryer at the Detention Center in the amount of \$5,426. The dryer being used at the Center caught fire and was destroyed.

**NEW BUSINESS**

Without objection from the Council, Chairman Rozier stated there were two bills for First Reading, which would, thereafter, be sent to the proper Committee for consideration prior to Second Reading.

**“BILL NO. 04-59, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 99-4-20, LAND DEVELOPMENT AND SUBDIVISION REGULATIONS OF BERKELEY COUNTY, SOUTH CAROLINA, FOR THE UNINCORPORATED AREAS OF THE COUNTY.”**

It was moved by Council Member Spooner and seconded by Council Member Pinckney to approve, for First Reading, Bill No. 04-59. The motion was passed by unanimous voice vote of Council.

**“BILL NO. 04-60, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, ZONING AND DEVELOPMENT STANDARDS ORDINANCE.”**

It was moved by Council Member Spooner and seconded by Council Member Pinckney to approve, for First Reading, Bill No. 04-60. The motion was passed by unanimous voice vote of Council.

**Request from Town of Jamestown to amend service area agreement dated August 24, 1999.**

The Honorable Roy Pipkin, Town of Jamestown Mayor, stated that a letter was provided to Council on July 17<sup>th</sup> requesting an extension of waterline down Highway 45 to service the C&S Community Care Home/Little Owl Caring & Sharing, located at 1325 Santee River Road. This is a homeless shelter, which takes care of disabled individuals. DHEC inspected the water at the shelter, and the shelter will be shut down by DHEC if quality water cannot be supplied to it. Mayor Pipkin concluded by requesting Council's approval to extend the Town of Jamestown water district approximately one mile, in order for the town to apply for a CDBG grant.

Chairman Rozier stated that the Town of Jamestown would not be able to apply for a CDBG grant unless Berkeley County agreed to provide the service area.

It was moved by Council Member Crosby and seconded by Council Member Fish to approve an approximate one-mile extension of the Town of Jamestown's water district. This motion was passed by unanimous voice vote of Council.

## **ANNOUNCEMENTS**

The August, 2004, Regular Meeting of Berkeley County Council will be held on Monday, August 23, 2004, immediately following Public Hearings and the meeting of the Committee on Finance at 6:00 p.m., in the Assembly Room, 223 North Live Oak Drive, Moncks Corner, SC.

Chairman Rozier stated that in the future, Committee Meetings would continue to be on the second Monday of each month, but the Committee on Finance, Public Hearings and the Regular Meeting of County Council would be changed to the fourth Monday of each month (versus the third Monday).

## **ADJOURNMENT**

It was moved by Council Member Spooner and seconded by Council Member Fish to adjourn the Regular Meeting of County Council. The motion was passed by unanimous voice vote of Council.

## **PUBLIC DISCUSSION**

Mr. Harold Elrod, residing at 417 Elrod Drive, Goose Creek, stated that the area in which he resides is zoned R-1. Approximately, five years ago, it was decided no more trailers were to be moved into the area. Mr. Elrod's problem is with the grandfather clause, because it was his understanding that a resident would be allowed to upgrade under that clause (i.e., a person owning a singlewide trailer could replace it with a larger singlewide or doublewide trailer as an upgrade). Mr. Elrod's brother-in-law purchased a doublewide trailer to replace an 11-year-old, singlewide trailer already located on the property, and he was told by Berkeley County that he could not do that. There is no opposition from area residents with regard to this upgrade. Mr. Elrod's sister-in-law owns the property where the doublewide trailer would be located. The differences between a doublewide home (not allowed) and modular home (allowed) are a higher price and a number on the modular home.

Council Member Spooner stated the trailers were grandfathered in, but a grandfathered use cannot be expanded.

Council Member Crosby stated the goal, at the time these issues were discussed, was to no longer allow trailers in an area zoned R-1.

Mr. Elrod concluded by assuring Council that the doublewide trailer, purchased by his brother-in-law, would only be located on the property for no more than four years, after which time, the trailer would be relocated to Dillon, South Carolina.

Council Member Spooner stated that would fall under a temporary variance then.

With no objection from Council, Supervisor Rozier stated that he would attempt to work out a variance for a time period of four years for Mr. Elrod. Mr. Rozier restated that after that time period, the doublewide trailer must be removed from its site, and no other trailer could be located on this particular site in place of that doublewide trailer.

Mr. Billy Elrod, residing at 307 Elrod Drive, stated his request for an opinion from the Attorney General on the Assessor's methods of assessing and taxing County property. Mr. Elrod stated that the Assessor was using his own method of classifications for tax purposes. The County defines a mobile home park as five or more mobile home sites, but the Assessor taxed Mr. Elrod's four mobile homes as a mobile home park. Mr. Elrod stated this was done in order for the Assessor to impose a higher tax, but it was not a mobile home park. His objection was with the Assessor's Office thinking it had the power to set its own methods when assessing property for tax purposes. The charge in taxes is not the problem with Mr. Elrod, but the classification of his property as a trailer park is.

Council Member Crosby stated that a five-trailer site is classified as a mobile home park for the purpose of code violations and enforcement.

Mr. Stokes stated that classification of a mobile home park as five or more units is a definition under the Zoning Ordinance. This does not apply to how the Assessor values the property for tax purposes. The Assessor values property at its highest and best usage. If property is classified as a mobile home park by the Assessor, it is a matter of interoffice policy and not in violation of the Zoning Ordinance. There are no specific statutes passed by the General Assembly with regard to evaluation of property, but there are standards, which the Assessor and the appraisers use. The fact that Mr. Elrod's property is called a mobile home park is not of any significance, because the property is valued at market value, which is the highest and best use. It was Mr. Stokes opinion that the Attorney General would not answer a question, which required interpretation of Berkeley County's own ordinance. This was not a legal issue, but rather a policy issue as to whether or not there was fair assessment, standard and uniform, throughout the entire County.

Council Member Crosby recommended a separate meeting with Chairman Rozier, Mr. Ronnie Williams, Mr. Stokes and himself, to discuss this matter further.

Public Discussion concluded at 8:02 p.m.

---

Barbara B. Austin  
Clerk of County Council

August 23, 2004  
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday July 26, 2004**, is scheduled to begin immediately following Public Hearings, and the meeting of the Committee on Finance at **6:00 P.M.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCK'S CORNER, S. C.**

**CALL TO ORDER**

**APPROVAL OF MINUTES:**

<b>Public Hearing: CDBG</b>	<b>June 21, 2004</b>
<b>Public Hearing: Bill Numbered: 04-35 (BCW&amp;SA Budget)</b>	<b>June 21, 2004</b>
<b>Public Hearing: Bill Numbered: 04-36 ( Berkeley County Budget)</b>	<b>June 21, 2004</b>
<b>Public Hearings: Bills Numbered: 04-25, 04-26, 04-27, 04-28, 04-29, 04-30, 04-31, 04-32, 04-33, 04-34</b>	<b>June 21, 2004</b>
<b>Public Hearings: Devon Forest STD 04-37, Pimlico STD 04-38, Sangaree STD 04-39, Tall Pines STD 04-40, Special Fire Tax District 04-41</b>	<b>June 21, 2004</b>
<b>Public Hearing: 04-42 – Amendment to the Comprehensive Land Use Plan</b>	<b>June 21, 2004</b>
<b>Regular Council Meeting</b>	<b>June 21, 2004</b>

**PUBLIC DISCUSSION** - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

**EXECUTIVE SESSION** to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

**CHAIRMAN OF COUNTY COUNCIL**

**THIRD READING:**

1. **Bill No. 04-44**, An ordinance authorizing the **sale** of a particular piece of land owned by Berkeley County, more particularly described as TMS #142-07-06-026, to the **Berkeley County Rescue Squad** and authorizing the Berkeley County Supervisor to execute any and all documents necessary to effectuate the transfer of said land.  
[Recommended by Committee on Land Use]

2. **Bill No. 04-45**, an **ordinance** adopting and enacting a new Code for the **Code of Berkeley County**, South Carolina, providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective; and other matters related thereto.  
[Recommended by Committee on Finance]

*Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.*

**SECOND READING:**

1. **Bill No. 04-46**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Anna Bell Frazier**, 3955 Highway 45, Cross, TMS# 032-00-03-007, (1 lot), **from GC, General Commercial District, to F-1 Agricultural District**. Council District 7.  
[Recommended by Committee on Land Use]
2. **Bill No. 04-47**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Marvetta Perry-Grant** for Elaine Myers, 226 Liberty Hall Road, Goose Creek, TMS# 244-05-01-022, (1.35-acre portion, 2.7 acres total), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 3.  
[Recommended by Committee on Land Use]
3. **Bill No. 04-48**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Rutha L. Kinlock**, 1025 Charity Church Road, Huger, TMS# 248-00-02-004, (1 lot), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.  
[Recommended by Committee on Land Use]
4. **Bill No. 04-49**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Peter Washington**, 812 Oceanview Court, Wando, TMS# 271-00-02-004, (1 lot), **from GC, General Commercial District, to R-1MM. Multi-Section Residential District**. Council District No. 8.  
[Recommended by Committee on Land Use]
5. **Bill No. 04-50**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ebony Lloyd Simmons** for Heirs of Clara Johnson, 1658 Highway 402, Moncks Corner, TMS# 144-00-02-025, (1



acre portion, 14.5 acres total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 8.  
[Recommended by Committee on Land Use]

6. **Bill No. 04-51, An ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tyson Otts**, 341 Myers Road, Summerville, TMS# 222-00-00-119, (5.01 acre portion 10.02 acres total), **from PDMU, Planned District Mixed Use, to R-2, Manufactured Residential District.** Council District No. 4.  
[Recommended by Committee on Land Use]

7. **Bill No. 04-52, an ordinance** authorizing a **one-year postponement** of the implementation of revised values resulting from the equalization program (**reassessment**), as provided in Section 12-43-217, Code of Laws of South Carolina 1976, as amended.  
[Recommended by Committee on Finance]

8. **Bill No. 04-53, an ordinance** amending Ordinance No. 87-6-9, which provided for the creation of the **Berkeley County Accommodations Tax Advisory Committee**, to modify the composition of and appointment to the Committee and to repeal Ordinance No. 01-9-44 in its entirety.  
[Recommended by Committee on Finance]

#### **FIRST READING:**

1. **Bill No. 04-54, An ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **George Herrin**, Cypress Gardens Road and Old Highway 52, Moncks Corner, TMS# 211-00-02-009 (37.08 acres), **from HI, Heavy Industrial District, to R-1, Single Family Residential District.** Council District No. 3.  
[Recommended Committee on Land Use]

2. **Bill No. 04-55, An ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **George T. Newell**, Steed Creek Road, Huger, TMS# 202-00-00-016, (23.50 acres), **from R-15, Preservation Residential District, to F-1, Agricultural District.** Council District No. 8.  
[Recommended by Committee on Land Use]

3. **Bill No. 04-56, An ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lowcountry Land Holdings, LLC.**, 1125 Cainhoy Road, Cainhoy, TMS# 263-00-01-059 (6 acres), **from GC, General Commercial District, to LI, Light Industrial District.** Council District No. 8.  
[Recommended by Committee on Land Use]

4. **Bill No. 04-57**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John R. Nick**, 5338 Halfway Creek Road, Huger, TMS# 250-00-00-015 (1 lot), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

5. **Bill No. 04-58**, An **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Doris Marie Holmes**, 230 Blanding Road, St. Stephen, TMS # 046-00-01-015 (1 acres), **from F-1, Agricultural District to RNC, Rural Neighborhood Commercial District**. Council District No. 7.

[Recommended by Committee on Land Use.]

6. **Bill No. 04-61**, An **ordinance** authorizing Berkeley County, South Carolina, to execute and deliver an **equipment lease purchase agreement** in the amount of not exceeding \$2,000,000.00 between the County and the Lessor thereof to defray the cost of acquiring certain equipment for use by the Berkeley County Water and Sanitation Authority; and other matters relating thereto.

[Recommended by Committee on Finance]

7. **Bill No. 04-62**, An **ordinance** authorizing the execution and delivery of an inducement agreement by and between **Berkeley County, South Carolina** and **Maybank Industries, LLC**, whereby, under certain conditions, Berkeley County will facilitate certain economic development incentives for a project financed with industrial development revenue bonds pursuant to the provisions of Title 4, Chapter 29 of the Code of Laws of South Carolina 1976, as amended; and other matters related thereto.

[Recommended by Committee on Finance]

8. **Bill No. 04-63**, an **ordinance** to amend the **Sangaree Special Tax District operational budget** year for the fiscal year beginning July 1, 2004, and ending June 30, 2005, and to provide for the levy of Ad Valorem property taxes in the amount of Forty-Eight (48.0) mills (Ordinance No. 04-06-43).

[Recommended by Committee on Finance]

#### **RESOLUTIONS:**

1. **RESOLUTION** providing for the Transfer of Funds in the 2004-2005 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** recommending adoption of the **Inducement and Millage Rate Agreement** between Berkeley County, South Carolina, and **Nucor Corporation**.

[Recommended by Committee on Finance]

3. **RESOLUTION** authorizing **financing terms** for various equipment lease purchases not to exceed four (4) years.

[Recommended by Committee on Finance]

4. **RESOLUTION** authorizing the Berkeley County Supervisor to negotiate and execute a purchase agreement for the acquisition of an **airplane hangar** currently owned by Gary P. Whitman and/or Whit-Mart, Inc., located at the Berkeley County Airport; and terminating a land lease agreement for a portion of TMS #142-00-00-006.

[Recommended by Committee on Community Services]

5. **RESOLUTION** authorizing the Berkeley County Supervisor to execute a **lease agreement** on behalf of the **Pimlico** Special Tax District with the Pimlico Civic Club for premises located at 1603 Pimlico Boulevard, Moncks Corner, Berkeley County, South Carolina, more particularly identified as TMS #212-03-01-017.

[Recommended by Committee on Community Services]

**REPORTS FROM STANDING COMMITTEES:**

1. **Committee on Finance.**  
**Councilmember, Mr. Dennis L. Fish, Chairman.**

2. **Committee on Land Use.**  
**Councilmember, Mr. Milton Farley, Chairman.**

Recommendation to Deny:

1. **Request by Frank & John Oakley, 2695 Highway 41, Wando, TMS# 263-00-03-042, (1 lot), from R-2, Manufactured Residential District, to GC, General Commercial District.** Council District No. 2.  
**[APPLICANT WITHDREW REQUEST – 7-18-04]**

2. **Request by Lisa Leighton, 326 Race Lane, Moncks Corner, TMS# 196-02-00-016, (1.35 acre portion, 14.93 acres total), from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Residential.** Council District No. 6.

3. **Request by Juanita Barrs, 118 Willis Place, Ridgeville, TMS# 116-00-00-055, (1 acre), from F-1, Agricultural District, to GC, General Commercial District.** Council District No. 7.  
**[APPLICANT WITHDREW REQUEST – 7-21-04]**

4. **Request by David Johnson for Lawrence Smith, 2130 State Road, Summerville, TMS# 178-00-01-038, (1.43 acre portion, 7.10 acres**

total), **from F-1, Agricultural District, to RNC, Rural & Neighborhood Commercial District.** Council District No. 7

**5. Request by Norman Weiss, Ranger Drive, Cross, TMS# 042-00-03-065, (4.36 acre portion, 25.0 acres total), from F-1 Agricultural District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 7.

**3. Committee on Public Works and Purchasing.**  
**Councilmember, Mr. Caldwell Pinckney, Jr., Chairman:**  
Recommendations:

- a. Municipal Lease Purchasing Financing.
- b. Deny all bids in regard to Roll Off Trucks.
- c. Daily Cover Soil Material
- d. Odor Control Equipment for Pump Stations #001 and #002.

**4. Committee on Justice and Public Safety.**  
**Councilmember, Mrs. Judy C. Mims, Chairman**

**5. Committee on Water and Sanitation.**  
**Councilmember, Mr. Steve C. Davis, Chairman.**

**6. Committee on Planning and Development.**  
**Councilmember, Mr. Charles E. Davis, Chairman.**

**7. Committee on Community Services.**  
**Councilmember, Mrs. Judith K. Spooner, Chairman.**

**8. Committee on Human Services.**  
**Councilmember, Mr. William E. Crosby, Chairman.**

**NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

BERKELEY COUNTY LIBRARY BOARD  
BERKELEY COUNTY WATER AND SANITATION APPEALS BOARD  
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS  
DEVON FOREST SPECIAL TAX DISTRICT ADVISORY COMMISSION  
HOUSING BOARD OF ADJUSTMENTS AND APPEALS  
MENTAL HEALTH BOARD  
SPIERS LANDING COMMISSION  
TALL PINES SPECIAL TAX DISTRICT  
TAX ASSESSMENT REVIEW BOARD

**CORRESPONDENCE**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**Bill No. 04-59**, An **ordinance** to amend and clarify certain sections of **Ordinance No. 99-4-20**, Land Development and Subdivision Regulations of Berkeley County, South Carolina, for the unincorporated areas of the County.

**Bill No. 04-60**, An **ordinance** to amend and clarify certain sections of **Ordinance No. 01-8-35**, Zoning And Development Standards Ordinance.

**Request from Town of Jamestown to amend service area agreement** dated August 24, 1999.

**ANNOUNCEMENTS**

The August 2004, Regular Meeting of Berkeley County Council will be held on **MONDAY August 23, 2004, IMMEDIATELY FOLLOWING PUBLIC HEARINGS, AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

**ADJOURNMENT**

**EXECUTION OF DOCUMENTS BY COUNCIL**

**PUBLIC DISCUSSION**

July 21, 2004  
S/Barbara B. Austin  
Clerk of County Council